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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

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THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS ALBERTO CRUZ,

Defendant and Appellant.

C087475

(Super. Ct. No.  
CRF180000587)

While conducting an investigation, a police officer spotted defendant Luis Alberto Cruz. Defendant was then seen dropping a glass pipe. When the officer attempted to detain him, defendant refused to take his hand from his pocket. Defendant then pulled away and tried to run. When the officer tried to restrain him, defendant struggled and struck the officer in the head several times. Defendant was eventually restrained by multiple officers.

Defendant pled no contest to resisting an executive officer. The trial court imposed a two-year middle term and awarded 97 days of custody credits (49 actual, 48 conduct). It also imposed various fines and fees.

Counsel for defendant filed an opening brief setting forth the facts of the case and requests that we review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised of his right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having examined the record, we find no arguable error that would result in a disposition more favorable to defendant.

#### DISPOSITION

The judgment is affirmed.

/s/ \_\_\_\_\_  
Robie,. J.

We concur:

/s/ \_\_\_\_\_  
Raye, P. J.

/s/ \_\_\_\_\_  
Renner, J.